

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

ACCORDIUS HEALTH AT)	No. 1:23-cv-00129-MR
ASHEVILLE LLC,)	
)	
Plaintiff,)	
vs.)	
)	
UNITED STATES SMALL BUSINESS)	
ADMINISTRATION, et al.,)	
)	
Defendants.)	

NOTICE OF APPEAL

Notice is hereby given that Plaintiff Accordius Health at Asheville LLC, together with all Plaintiffs in the actions consolidated by this Court pursuant to its Order dated December 20, 2023 (Dkt. 29) (collectively, “Plaintiffs”),¹ hereby appeal to the United States Court of Appeals for the Fourth Circuit from a Final Judgment (Dkt. 55), entered on April 8, 2025 (the “Judgment”); from any and all adverse rulings

¹ There are 48 total Plaintiffs. In addition to Accordius Health at Asheville LLC, the other Plaintiffs filing this Notice of Appeal are as follows: Accordius Health at Bay Pointe LLC; Accordius Health at Brevard LLC; Accordius Health at Charlotte LLC; Accordius Health at Concord LLC; Accordius Health at Greensboro LLC; Accordius Health at Hendersonville LLC; Accordius Health at Lynchburg LLC; Accordius Health at Midwood LLC; Accordius Health at Monroe LLC; Accordius Health at Mooresville LLC; Accordius Health at River Pointe LLC; Accordius Health at Rose Manor LLC; Accordius Health at Statesville LLC; Accordius Health at Wilkesboro LLC; Accordius Health at Wilson LLC; Accordius Health at Winston Salem LLC; Anderson SC OPCO LLC; Carolina Pines at Asheville LLC; Carolina Pines at Greensboro LLC; Countryside Rehabilitation LLC; Covington TN OPCO LLC; Fair Oaks Health and Rehabilitation; Farthing Mayfield KY Opco LLC; Greenville KY Opco LLC; Hopkinsville KY Opco LLC; Knoxville OPCO LLC; Leitchfield KY Opco LLC; Loudon OPCO LLC; Madisonville Health and Rehabilitation LLC; Maryville Fairpark OPCO LLC; Maryville Jamestown OPCO LLC; Mayfield KY Opco LLC; Mount Pleasant TN OPCO LLC; Paducah Center for Health and Rehabilitation LLC; Pelican Health at Asheville LLC; Pelican Health at Charlotte LLC; Pelican Health at Norfolk LLC; Pelican Health at Rutherfordton LLC; Pelican Health Randolph LLC; Pelican Health Reidsville LLC; Pelican Health Thomasville LLC; Princeton KY Opco LLC; Red Boiling Springs TN OPCO LLC; Russellville KY Opco LLC; The Citadel at Myers Park LLC; The Citadel at Winston Salem LLC; and The Citadel Elizabeth City LLC.

incorporated in, antecedent to, or ancillary to the Judgment; and from any and all adverse interlocutory orders, judgments, decrees, decisions, rulings, and opinions that merged into and became part of the Judgment, that shaped the Judgment, that are related to the Judgment, and upon which the Judgment is based, including, but not limited to, the April 8, 2025 Memorandum of Decision and Order (Dkt. 54).

Respectfully submitted, this the 20th day of May, 2025.

/s/ Kirk G. Warner

Kirk G. Warner

N.C. State Bar No. 16238

kwarnersmithlaw.com

SMITH, ANDERSON, BLOUNT,
DORSETT, MITCHELL & JERNIGAN,
L.L.P.

Post Office Box 2611

Raleigh, North Carolina 27602-2611

Ph: (919) 821-1220; Fax: (919) 821-6800

LR 83.1 Counsel

Joshua A. Klarfeld

(admitted pro hac vice in lead case only)

Ohio State Bar No. (0079833)

Joshua.Klarfeld@icemiller.com

ICE MILLER LLP

600 Superior Avenue East, Suite 1300

Cleveland, Ohio 44114

(216) 394-5063

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system. Parties may access this filing through the Court's system.

This the 20th day of May, 2025.

/s/ Kirk G. Warner

Kirk G. Warner

N.C. State Bar No. 16238

kwarnersmithlaw.com

SMITH, ANDERSON, BLOUNT,
DORSETT, MITCHELL & JERNIGAN,
L.L.P.

Post Office Box 2611

Raleigh, North Carolina 27602-2611

Ph: (919) 821-1220; Fax: (919) 821-6800

LR 83.1 Counsel

Attorneys for Plaintiffs